IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.597 of 1997

Gram Panchayat, Village Ozar,)
Taluka Niphad, Dist. Nasik.)..Petitioner

Versus

1.The State of Maharashtra)
2.Maharashtra Water Supply)
Sewage Board)
CIDCO Bhavan, South Wing,)
Third Floor, Belapur, New)
Bombay.)
3.Sub Divisional Officer,)
Environmental Engineering,)
Sub Division No.3, Nasik.)
4.The Secretary, Department of)
Rural Development, Government)
of Maharashtra, Mantralaya,)
Mumbai-400 032.)
5.The Secretary, Public Health)
Department, Mantralaya,)
Mumbai-400 032.)..RESPONDENTS

Mr. Nitin Pradhan, i/b.S.D. Khot for Petitioner

Mr. P.P. Kakade for Respondent Nos. 1, 3 to 5.
Mrs. Nita Karnik, for respodnent No.2.

CORAM : F.I. REBELLO &

R.V. MORE,JJ.

DATED : 31ST JANUARY, 2007

ORAL JUDGMENT (PER F.I. REBELLO, J.)

. The petitioner Village Panchayat has approached this Court contending that the water charges demanded by the respondent No.2 with retrospective effect considering their functions are incapable of being paid. Apart from that, it is pointed out that considering Rule 101 of the Maharashtra

Village Panchayats Taxes and Fees Rules, 1960 and the Schedule thereof they could not have charged more than Re.1/- for every 1,000 litre or part thereof. We have examined Rule 101. Rule 101 will apply to those cases where the Village Panchayat maintains its own water scheme. In the instant case the Village Panchayat does not have water scheme of its own, but supplies water to the village through the Respondent No.2. Therefore, the Village Panchayat is bound to pay the charges of Responent No.2 in terms of the relevant Acts, Rules and Regulations in force.

2. Considering the disputE, a meeting appears to have been held with the Principal Secretary, R.D. & D. and certain decisions were taken. The petitioners were not present though notice was given to them. Our attention is also invited to the Government Resolution, Water Supply and Sanitation dated 6th September, 2005 in the matter of discount granted to those bodies which participated in the Scheme.

3. Under these circumstances the Principal Secretary, R.D. & D. to call a fresh meeting where the petitioner will also be invited and a decision be taken. The decision as far as possible to take into consideration the balance sheet of the petitioner. Recommendation if need be can also be made as discussed in the earlier meeting held to the Government for whatever relief is possible for past arrears.

. The decision taken at the meeting to be final and binding on the parties. Needless to say that the recovery would be dependent upon the decision taken by the meeting to be called by the Principal Secretary. R.D. & D.

. With the above observation, petition disposed of. No order as to costs.

(**F.I. REBELLO**, J)

(**R.V. MORE, J)**